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Sent: Tue 3/3/2015 11:52:22 PM
Subject: On DOC website: Update on the Memorandum of Agreement (MOA) with the United States Environmental Protection Agreement (EPA)

David et al:

I think DOC added another document to their website – see below and note it is dated 2/6/2015. Have you seen this?

Kate

http://www.conservation.ca.gov/dog/general_information/Pages/UndergroundinjectionC

Update on the Memorandum of Agreement (MOA) with the United States Environmental Protection Agreement (EPA)

There are two competing versions of the September 29, 1982 Memorandum of Agreement between the Division of Oil, Gas and Geothermal Resources and the United States Environmental Protection Agency. California's primacy delegation was made based on one or both of versions of this document. Some related documentation is also included.

•[Primacy Agreements and Related Documents](#)

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Important Note Regarding The Memoranda Of Agreement On Primacy and Exempted Aquifers:

Questions have been raised about the precise contents of the Memorandum of Agreement (MOA) between the Department of Conservation and the United States Environmental Protection Agency respecting the exemption of aquifers under the Safe Drinking Water Act. Unfortunately, historical files have disclosed two different versions of the MOA, each with the same signature page and dates (fully signed September 29, 1982.)

One of these MOAs has been on our web site for some time, and reflects, in Attachment 3 and related text, the denial of proposed exemptions for 11 key aquifers. That document appears first, below, as Document 1.

A second, competing version of the MOA also exists, which refers to only two attachments, and does not deny exemptions to the 11 aquifers. It was found in, among other places, US EPA documents disclosed September 30, 2014 pursuant to a Freedom of Information Act request. A December 13, 1982 memorandum from Region IX staff to US EPA headquarters, covers this competing version of the MOA, and refers to the MOA (and other enclosed documents) as resolving “all known issues” with California’s primacy application. That document appears below, as Document 2.

Document 3 is a May 17, 1985 letter from US EPA to the Western Oil and Gas Association indicating, among other things, that no proposed exemptions of USDWs were denied at the time of the delegation of primacy. (Some aquifers did not receive exemptions simply because the water in question contained

over 10,000 ppm TDS, and thus did not qualify.)

These documents are offered here together and, unless and until sufficient further, and more definitive documentation can be located, should be considered as a group.

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